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Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her mission to Paraguay

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her mission to Paraguay from 17 to 24 July 2017. On the basis of information gathered prior to and during her visit, the mandate holder highlights the positive steps taken by the Government of Paraguay to prevent and eradicate contemporary forms of slavery, including significant reductions in the worst forms of child labour, developments in the national legal and institutional framework, regional engagement on issues relating to exploitation, including contemporary forms of slavery, and efforts to bring an end to forced labour. She makes recommendations to the Government of Paraguay on how to continue and build on progress made through a comprehensive and multifaceted programme of action that includes steps to eradicate and prevent all contemporary forms of slavery, and to provide access to justice for all victims. In the report, the mandate holder describes how the Government can close protection gaps to ensure that all people, including indigenous peoples, vulnerable children and female domestic workers, are protected against all forms of contemporary slavery.

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Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her mission to Paraguay*

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* Circulated in the language of submission and in Spanish only.

I. Introduction

1. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences Urmila Bhoola visited Paraguay from 17 to 24 July 2017. During her visit, she met with officials from a broad range of government departments, including the Ministry of Foreign Affairs, the Ministry of Labour, Employment and Social Security, the Ministry for Women, the Secretariat for Children and Adolescents, the Public Ministry, the Ministry of Justice, the Ministry of Education and Science, the human rights ombudsman (*Defensoría del Pueblo*), the Ministry of the Public Defender, the national congress, the Supreme Court, the National Institute for Indigenous Peoples (INDI) and the National Commission for the Elimination of Child Labour (CONAETI).

2. The Special Rapporteur also visited relevant programme sites, including a centre operating a helpline (*Fono Ayuda*) for children and adolescents at risk or who are victims of exploitation, and a childcare centre linked to the Abrazo programme (to protect the rights of children by reducing their vulnerability to exploitation and other human rights abuses). She also met with the Resident Coordinator, the United Nations country team, the members of the Paraguay office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and representatives of a number of non-governmental organizations, trade unions, indigenous organizations and private sector stakeholders. The meetings and visits were conducted in the capital Asunción, and in Filadelfia and Neuland in the Chaco region.

3. The Special Rapporteur extends her thanks to the Government of Paraguay for the invitation to visit the country and to officials from different State entities for engaging in a fruitful and meaningful dialogue. She also thanks the personnel of the Paraguay OHCHR office for their comprehensive assistance in the planning and conduct of her visit, and the Resident Coordinator and the United Nations country team for their input and support. Lastly, the Special Rapporteur expresses her sincere appreciation to all civil society organizations, trade unions, indigenous organizations, business associations and individuals who took the time to meet and share their experiences with her.

II. Background

A. Economic and political situation

4. Paraguay is an upper-middle-income, landlocked country in the southern cone of Latin America, with a population of 7 million. Although it has witnessed sustained growth in GDP over the past five years, it continues to be affected by significant levels of both poverty and inequality, and is one of the poorest countries in the Latin American region. The population is relatively young, given that around 45 per cent of inhabitants are aged between 0 and 25 years. The country faces significant logistical challenges, and lacks mineral and petroleum resources, which makes it heavily dependent on neighbouring countries, particularly Brazil and Argentina, which are fellow members of the Southern Common Market (MERCOSUR). The economy is primarily agricultural, and is therefore particularly vulnerable to weather conditions and developments in the global economy that have an impact on demand for and the price of commodities. A large proportion of the Paraguayan population derives its living from farming, often on a subsistence basis. Key crops are soybeans, cotton and meat. The market economy is characterized by its large informal sector driven by thousands of microenterprises and urban street vendors. A significant part of the country's trade is based on goods imported from the United States of America and Asia for re-export to neighbouring countries. Most imported goods are not declared to customs, thereby depriving the State of a substantial amount of tax revenue.[1]

[1] See World Bank, "The World Bank in Paraguay" (available from www.worldbank.org/en/country/paraguay/overview). According to the Special Rapporteur on the right to food, 94 per cent of agricultural land in Paraguay is used for export crops, and between 60 and 80 per cent of land belongs

5. Information received by the Special Rapporteur during her mission suggested that Paraguay faces a number of complex and cross-cutting challenges that compound the vulnerability of individuals to contemporary forms of slavery, and that the Government's capacity to respond to such phenomena was limited. The challenges include resource constraints and the weak impact of government institutions resulting from, inter alia, difficulties in providing universal coverage of services throughout the country; generalized patterns of persistent discrimination, including discrimination on the basis of gender, age and minority status; the weakening of the social fabric; and periods of social instability and civil unrest.

B. Legal framework

1. International and regional legal framework

6. Paraguay has ratified the core international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The State has yet to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

7. In 2007, Paraguay acceded to the Slavery Convention and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

8. Paraguay has also ratified the core conventions of the International Labour Organization (ILO) relating to forced labour, child labour and its worst forms, including the Forced Labour Convention, 1930 (No. 29) and the Protocol thereto, the Abolition of Forced Labour Convention, 1957 (No. 105), the Worst Forms of Child Labour Convention, 1999 (No. 182), the Minimum Age for Employment Convention, 1973 (No. 138) and the ILO Declaration on Fundamental Principles and Rights at Work. The State has also ratified the Domestic Workers Convention, 2011 (No. 189).

9. In addition, Paraguay has ratified all relevant regional standards for protection against contemporary forms of slavery, including the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights and the Protocol of San Salvador.

2. National legal framework

10. A number of national legal provisions pertain to the elimination of all contemporary forms of slavery. Slavery is prohibited by the Constitution, while slavery and forced labour are criminalized in the Penal Code. In 2015, child domestic work was prohibited by law No. 5.407, which also raised the minimum wage for domestic work. The practice of unpaid domestic child labour (*criadazgo*) is also prohibited in the forms of hazardous work for children listed in Decree No. 4951. Also with regard to *criadazgo*, the Comprehensive Act to Combat Trafficking in Persons (Act No. 4788/12) was passed in 2012. The law has led to instances of the practice being prosecuted as internal trafficking offences. Other relevant laws and provisions include the Code on Children and Adolescents (law No 1.680/01), which is the main piece of legislation on children's rights, and the 1993 Labour Code, which provides labour rights protection for Paraguayan citizens.

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to 2 to 3 per cent of the population (see A/HRC/34/48/Add.2). See also CIA, The World FactBook, Paraguay, at www.cia.gov/library/publications/the-world-factbook/geos/pa.html.

C. Institutional and policy framework

11. Paraguay has a comprehensive institutional and policy framework that protects children from the worst forms of child labour and prohibits forced labour, domestic servitude and other extreme forms of labour exploitation that could be characterized as contemporary forms of slavery. In 2013, the Government committed to strengthening the National System for the Protection and Promotion of the Rights of Children (SNPPI). Various multi-sectoral coordination bodies have been established, including the National Commission for the Elimination of Child Labour (CONAETI), an institutional round table on child labour and the National Commission on Forced Labour. The new Ministry of Labour, Employment and Social Security has also worked in partnership with ILO to increase the capacity of the labour inspectorate and to decentralize the services provided by the Ministry. The Government has also made efforts to develop its institutional capacity to address women's rights and gender equality, including the work of the Ministry of Women, to ensure the mainstreaming of equal opportunities for women in employment.

12. The Special Rapporteur received information about the work of the Secretariat on Children and Adolescents in building a comprehensive national child protection system, including the creation of a call centre to report violations of children's rights (Fono Ayuda 147), the Abrazo and Tekoporã social support programmes, municipal-level coordination and the multi-disciplinary Municipal Advisory Service on the Rights of Children and Adolescents (CODENI), which responds to reports of violations of children's rights, including those relating to contemporary forms of slavery.

13. The Special Rapporteur also received information about a number of different policies, including the National Strategy for the Prevention of Forced Labour 2016–2020, the National Development Plan and the National Human Rights Plan, all of which contribute to the formulation of a policy framework for the prevention of contemporary forms of slavery and for addressing poverty and economic exclusion, as well as the root causes of extreme labour exploitation in the informal sector.

III. Addressing contemporary forms of slavery

14. The Special Rapporteur noted a number of positive developments in the Government's response to contemporary forms of slavery during her visit to Paraguay.

A. Legal, institutional and policy framework

15. As noted above, the Special Rapporteur received a large amount of information about the legal, institutional and policy framework in place to address contemporary forms of slavery. In general, the provisions appeared to be robust and effective, and a positive development in addressing contemporary forms of slavery; the mandate holder therefore commends the Government of Paraguay on their development in spite of the significant cross-cutting challenges and fiscal constraints that it faced. The Special Rapporteur particularly noted the commitment of the Government, reflected in the work of the Secretariat on Children and Adolescents, to building a comprehensive child protection system, and was impressed by the knowledge and dedication of those officials working in the sector whom she met.

16. The Special Rapporteur also noted the engagement of the Government of Paraguay with the United Nations and the efforts it has made to implement relevant recommendations to strengthen its legal, institutional and policy framework. She commends the Government for the development, in association with OHCHR Paraguay, of the Recommendations Monitoring System (SIMORE), a comprehensive electronic system for monitoring country-level implementation of recommendations made by human rights mechanisms, relating also to the Sustainable Development Goals. SIMORE also provides an interactive platform for the involvement of civil society, and allows for the effective monitoring of the State's compliance with its international human rights commitments.

17. Although the State's legal, policy and institutional framework is a solid foundation for addressing contemporary forms of slavery, the Special Rapporteur received reports of enforcement gaps that undermine the legal and policy framework, limit capacity and create other constraints in certain government institutions.

B. Changes in social attitudes

18. Another positive development on which the Special Rapporteur received information from a number of stakeholders was the perceived shift in social and cultural attitudes reflecting a greater awareness of various forms of exploitation and the perception of them as violations of human rights. Stakeholders informed the Special Rapporteur that exploitative practices were once viewed as more socially acceptable are today more likely to be denounced as contemporary forms of slavery.

19. According to information received by the Special Rapporteur, attitudes towards the exploitation of children have significantly changed. Practices such as *criadazgo* and forced begging, are seen as less socially acceptable and even as a violation of the rights of children. The Special Rapporteur was informed of people taking to the streets to protest against the violence and abuse of children in situations of *criadazgo*, exemplifying this shift in attitude. In this regard, the Special Rapporteur also notes the sensitization and awareness-raising campaigns organized by the Government, such as the "No al criadazgo" campaign organized by the Secretariat on Children and Adolescents, and the awareness-raising activities conducted by civil society organizations working on related human rights issues.

20. Such changes in social attitudes play an important role in the elimination of contemporary forms of slavery. When exploitation is no longer considered socially acceptable, it deters potential perpetrators of contemporary forms of slavery, and individuals are more likely to report violations, thus contributing to their detection and to the rescue of victims.

C. Compliance with labour standards

21. A number of stakeholders with whom the Special Rapporteur met in both the capital and the Chaco stated that, in recent years, improvements had been witnessed in the degree of compliance with labour standards, as had a decrease in the prevalence of exploitation. According to indigenous stakeholders in the Chaco, international attention to labour practices in cooperatives and ranches had improved compliance with national law. The business stakeholders that the Special Rapporteur met with in the region appeared to have a clear understanding of relevant national and international labour standards, describing in detail the improvements seen in compliance in recent years, and expressing their commitment to uphold such standards.

22. Various stakeholders mentioned that they had witnessed reductions in the number of children subjected to *criadazgo* and other worst forms of child labour, mainly as a result of increasing public awareness. Data on the exact number, however, are still lacking, and those that are available indicate that a large number of children are still involved in child labour and in hazardous work. According to a national survey on child and adolescent activities conducted in 2011,[2] 27.2 per cent of the population aged between 5 and 17 years were engaged in child labour (consisting in work performed by children below the minimum age for admission to employment, which is 14, and hazardous adolescent work). The survey also found that, of the more than 436,000 children between 5 and 17 years of age forced to perform some type of labour, 95.4 per cent were engaged in work that had

[2] See Magnitud y características del trabajo infantil y adolescente en el Paraguay: Encuesta Nacional de Actividades de Niños, Niñas y Adolescentes, EANA 2011, ILO, 2013 (available at www.dequeni.org.py/es/userfiles/files/paraguay-informe-actividades.pdf).

negative consequences for those engaged in it, while 22 per cent performed one of the worst forms of child labour (including child slavery).[3]

23. A survey of activities conducted by children and adolescents living in rural areas, found that, of 810,352 children and adolescents between the age of 5 and 17 years living in rural areas, 50.2 per cent of them (406,358) were involved in work related to agriculture and cattle-raising, while more than 75 per cent were engaged in one or more of the worst forms of child labour.[4]

24. The Special Rapporteur also received information about programmes implemented in the cotton sector to reduce child labour, the new National Strategy for the Prevention and Elimination of Child Labour and the Protection of Working Adolescents, and the coordination of National Commission for the Elimination of Child Labour (CONAETI) on this issue.

D. Sustainable Development Goals

25. As described by the Special Rapporteur in her latest report to the General Assembly (A/72/139), the inclusion of a target on contemporary forms of slavery in the 2030 Agenda for Sustainable Development, and of measures to address the root causes and consequences of exploitation of this type, is a historic opportunity to galvanize efforts to eliminate all forms of contemporary slavery. The Special Rapporteur therefore regards the information that she received from stakeholders during her visit about measures taken by the Government of Paraguay, in partnership with the United Nations country team, to implement the Sustainable Development Goals as a positive development. The measures included the establishment of a national commission on implementation, led by the Ministry of Foreign Affairs, and efforts to raise the awareness of local governments about the Sustainable Development Goals in order to advance the national strategy.

26. The Special Rapporteur encourages the Government of Paraguay, the United Nations country team and the international community to ensure that achievement of target 8.7, on taking immediate and effective measures to eradicate forced labour, ending modern slavery and human trafficking and securing the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms, is integrated into these efforts as a core part of the 2030 Agenda. She also encourages them to ensure that adequate technical and financial resources are dedicated to the effective implementation of all of the Sustainable Development Goals.

IV. Issues of concern

27. As mentioned above, the Special Rapporteur is persuaded that the Government of Paraguay is taking a number of positive steps to implement its obligations under relevant international legal standards relating to contemporary forms of slavery, its causes and consequences, and that it has made progress in reducing extreme forms of labour exploitation that constitute slavery.

28. The Special Rapporteur nonetheless received information about a number of issues of concern. Stakeholders reported the continued existence of multiple forms of exploitation, including those that constitute contemporary forms of slavery, such as forced labour and domestic servitude. Many stakeholders expressed their concern at trends and issues that determine the overall vulnerability of individuals to slavery, and referred to reports of protection gaps for particular groups, such as indigenous peoples and children from poor, rural areas, and to ongoing social exclusion.

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[3] Ibid., pp. 45–48.

[4] Trabajo infantil y adolescente en el sector rural agrícola, pecuario, forestal y de pesca o piscicultura en Paraguay – Encuesta de Actividades de Niños, Niñas y Adolescentes: EANA Rural 2015, ILO, Dirección General de Estadística, Encuestas y Censos del Paraguay (DGEEC), Geneva, 2016, p. xviii.

A. Cross-cutting weaknesses in government responses

29. As mentioned above, the legal, institutional and policy framework in Paraguay is broadly robust and represents a positive development in the fight against extreme exploitation. During her visit, however, the Special Rapporteur also received information from a range of stakeholders about issues concerning the full and effective implementation of legal and policy standards and cross-cutting weaknesses in government responses. Many informed her that government programmes and services (including, for example, the labour inspectorate, social support programmes targeting vulnerable families and initiatives to address the worst forms of child labour) do not have universal geographical coverage in Paraguay. According to the information received, the programmes and services often do not reach poor, rural and socially excluded groups, including indigenous communities in the Chaco. While noting the challenges that the Government faces, given the concentration of the population around the Asunción area and low population density in other regions, the Special Rapporteur urges it to take further steps to ensure the full geographical coverage of all programmes and services for vulnerable and marginalized groups.

30. The Special Rapporteur also expresses her concern at reports received of insufficient funding for institutions to perform key functions, which affects efforts to end forced labour, the worst forms of child labour, *criadazgo* and other contemporary forms of slavery. The Special Rapporteur was informed by representatives of civil society bodies that, while the macroeconomic policy of attracting foreign investment to promoting agribusiness (such as soya production and cattle farming) and establishing *maquiladoras* (manufacturing plants that import and assemble duty-free components for export) bolsters the economy, poverty and inequality continue. The fiscal benefits received by private businesses[5] are not passed on in the form of job creation or social development for poorer communities. The policy aimed at transforming the country into a low-tax haven, with low minimum wages and labour market and administrative flexibility creates a situation whereby forced labour, child labour and hazardous child labour thrive, as many families send their children to work in order to survive. The policy also facilitates labour exploitation and obscures the State's lack of investment in public policies. The agro-export economic model, the Special Rapporteur was informed, has also led to widespread displacement: people have been expelled from the Chaco, and *campesinos* (rural workers) forced into urban areas, where they live in informal settlements along the river. Social investment has dropped while structural problems perpetuate discrimination and the marginalization of vulnerable and indigenous peoples, compounding their vulnerability and leading to their entrapment in contemporary forms of slavery.

31. Another cross-cutting issue of concern is the perceived lack of a full understanding of contemporary forms of slavery in Paraguay. The Special Rapporteur did not receive the impression that the real prevalence of contemporary forms of slavery and the impact on victims were fully understood by the Government of Paraguay. She believes that its efforts to tackle such exploitation could benefit from an analysis of prevalence trends, including of the sectors in which contemporary forms of slavery are most common, which groups are most affected and what risk factors make individuals vulnerable to such exploitation. The Special Rapporteur at times had the impression that some stakeholders had little awareness of what actually constitutes a contemporary form of slavery. Overall efforts to combat contemporary forms of slavery could therefore benefit from sensitization and awareness-raising activities with regard to the obligations of the conventions on slavery (see para. 7 above) and other relevant international legal standards.

B. Decent work deficits

32. According to ILO, decent work is characterized by opportunities for work that are productive and provide a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for

[5] Thanks to article 29 of law no. 1065/97, maquiladoras are subject to a tax rate of only 1 per cent.

people to express their concerns, organize and participate in the decisions that affect their lives, and equality of opportunity and treatment for all women and men.[6] The Special Rapporteur has consistently affirmed throughout her mandate that decent work is a powerful protection against contemporary forms of slavery, can alleviate poverty and provide security for people, allowing them to meet basic and other needs. Decent work also creates conditions under which workers can unionize and protect themselves and others against contemporary forms of slavery and other human and labour rights abuses. Global trends have shown significant and sustained deficits in decent work, resulting in both higher unemployment and extremely high levels of precarious work. In line with such global trends, many stakeholders reported to the Special Rapporteur during her visit that there are significant decent work deficits in Paraguay, which she believes are increasing the vulnerability of individuals to contemporary forms of slavery.

33. A major factor behind decent work deficits in Paraguay is the extent of the informal economy, which, according to official data, employed 65.4 per cent of workers. In rural areas, the proportion of workers employed in the informal economy reached 78 per cent (against 61.7 per cent in urban areas).[7] Workers in the informal economy — who are more likely to be women — are often subject to a high degree of precariousness, have no access to social or workplace protection (a fundamental feature of decent work) and work in sectors not fully covered by labour laws, making them highly vulnerable to exploitation, including contemporary forms of slavery. Official data have shown that, in 2016, 68.1 per cent of women in Paraguay worked in the informal economy, as against 63.3 per cent of men.[8] The Special Rapporteur takes note of reports of progress in the formalization of the Paraguayan economy, and encourages the Government in its efforts, which will create more decent work opportunities.

34. According to ILO, decent work is also characterized by a fair income. During her visit, the Special Rapporteur received information about the low minimum wage in Paraguay, which she believes contributes to the lack of decent work. Paraguayan law sets the minimum wage at around $400 a month, which many stakeholders reported was not sufficient to meet the basic needs of workers and their family members. They also informed the Special Rapporteur that the low minimum wage was part of an overall economic development regime implemented by the Government, which prioritizes competitiveness for foreign direct investment within a competitive regional market. While the Special Rapporteur recognizes the challenges that the Government faces in creating conditions for growth and development, and the important role that such conditions can play in creating employment opportunities, creating conditions for growth through external investment cannot come at the expense of the human and labour rights of citizens. She cautions the Government against structuring the national economy in a way that will attract foreign investment but entrench vulnerability to exploitation, including contemporary forms of slavery; she therefore urges it to consider fully how the creation of decent work opportunities can be integrated into economic development, including by assessing the feasibility of increasing the minimum wage.

35. According to reports received by the Special Rapporteur, the lack of universal compliance with minimum wage laws and other labour market protections in Paraguayan law also contributes to a lack of decent work. The Special Rapporteur was informed that domestic workers, mainly women and girls, were paid a combination of in-kind services and cash, and that they therefore did not actually receive the minimum wage. She also received reports about a lack of compliance by some employers with minimum wage provisions in relevant laws, and the lack of capacity in the labour inspectorate (only 25 labour inspectors for the whole country) to monitor and enforce relevant provisions of the labour code (according to the information received, the labour inspectorate is small and its

[6] ILO, "Decent work" (see www.ilo.org/global/topics/decent-work/lang--en/index.htm).

[7] Ministerio de Trabajo, Empleo y Seguridad Social, "Ocupación, Desempleo, Subocupación y Ocupación Informal: Encuesta Permanente de Hogares", Nuevas Series, 2002–2016. August 2017, p. 10 (see http://sinafocal.gov.py/application/files/8615/0288/3984/Ocupacion_Desempleo_Subocupacion_y_Ocupacion_Informal._2002-2016._Final.pdf).

[8] Ibid.

capacity is centralized in Asunción). Such a situation could create a culture of impunity in certain regions and sectors, leaving workers highly vulnerable to exploitation, including contemporary forms of slavery. The Special Rapporteur did in fact receive information from stakeholders according to which the Government of Paraguay had taken steps, in partnership with ILO, to increase the capacity of the labour inspectorate. She commends such initiatives and urges it to take further steps to build on and expand these efforts.

C. *Criadazgo*

36. As part of the fulfilment of her mandate, the Special Rapporteur consistently pays attention to the vulnerability of children to contemporary forms of slavery and its impact on them. During her visit, the mandate holder received multiple reports of the phenomenon of *criadazgo* (see para. 10 above). Despite its inclusion in the worst forms of child labour listed in Decree No. 4951, alongside child domestic work, *criadazgo* is not defined in Paraguayan law nor is it criminalized under the national regulatory framework.

37. Reports received by the Special Rapporteur suggest that the practice has different forms in Paraguay, and that the understanding of what the phenomenon constitutes also varies from one stakeholder to another. Broadly speaking, *criadazgo* refers to the practice whereby a child (usually a girl) from a poor rural household is sent to live with another family in an urban area, ostensibly to secure access to food and education. Once in the new household, the child undertakes domestic work for the receiving families, which is normally not remunerated. According to information received by the Special Rapporteur, there were 46,933 cases of *criadazgo* in Paraguay, which accounts for approximately 2.5 per cent of the total number of children under 18 years of age in the country. Although there has reportedly been a significant reduction in the number of the children engaged in *criadazgo*, which is considered under ILO Convention No. 182 to be one of the worst forms of child labour, the number of children living away from their parents and engaged in a form of domestic labour is still too high.

38. Some reports received by the Special Rapporteur during her visit suggested that *criadazgo* was not inherently an exploitative practice, and that it could even improve the situation of children from very poor households. The Special Rapporteur believes, however, that such a view reflects the former acceptability of the practice, aggravated by the lack of clarity and conceptual understanding of it. In many cases, *criadazgo* constitutes a contemporary form of slavery. According to information received, children often become particularly vulnerable to violence and abuse. A study conducted in 2013 by the International Organization for Migration found a close correlation between sexual violence and *criadazgo*; indeed, some 90 per cent of all victims of sexual violence had been in a situation of *criadazgo*.[9] While in Paraguay, the Special Rapporteur was shocked to learn of cases of extreme physical abuse of children by the families for which they were working, including both murder and sexual violence. She was informed about an extreme case of abuse of a child in a situation of *criadazgo*, abuse that included sexual violence and burning after being forced to drink bleach. The child was subsequently hospitalized, while her case was taken to the Inter-American Commission for Human Rights, leading to the issuance of precautionary measures to Paraguay (resolution 7/17, PM 68/17 — The Adolescent Panambi). Even in cases where the children are not subject to such horrific violence, *criadazgo* does nonetheless make them vulnerable to exploitation, beside the fact that their separation from their families and engagement in domestic work can hardly, if at all, be considered in their best interests. Since the practice seems to be linked to family poverty and was initially a means of ensuring access to education for rural children, these issues should be addressed by the Government.

39. A significant legal protection gap seems to exist in the case of *criadazgo*, mainly because it is not defined in law with related penal and civil penalties despite

[9] International Organization for Migration, La Trata de Personas en el Paraguay: Diagnóstico exploratorio sobre el tráfico y/o trata de personas con fines de explotación sexual, Buenos Aires, 2005, p. 77.

recommendations made by the Committee on the Rights of the Child thereon in 2010 (see CRC/C/PRY/CO/3). *Criadazgo* and domestic work are indeed included in the hazardous work for children listed in Decree No. 4951; and according to a law on domestic work adopted in 2015, domestic work is prohibited for children under 18 years (the Special Rapporteur received reports suggesting that this prohibition is not universally enforced), while child labour is prohibited by the Code on Children and Adolescents. Such measures do not, however, fully address the specificities of *criadazgo* as a non-remunerated form of labour, something that is seen in certain communities as a practice that benefits the child and the child's family.

40. The Special Rapporteur was informed of cases of *criadazgo* that were prosecuted as a form of internal trafficking. While this is a positive development, the Special Rapporteur is concerned that the protection provided by the anti-trafficking law applied in those cases would not extend to other cases whereby the child was not moved. She reminds the Government of Paraguay of its obligation under the conventions on slavery (see para. 7 above) to criminalize all forms of slavery and slavery-like practices as standalone offences, separate from the phenomenon of trafficking. While recognizing the strong links between contemporary forms of slavery and trafficking in persons, the Special Rapporteur believes that ensuring that obligations under the said conventions are fully implemented, alongside those outlined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, will help to prevent protection gaps and to ensure a comprehensive approach to all types and forms of exploitation.

41. The Special Rapporteur was also informed about attempts to define and criminalize *criadazgo* that are currently before the legislature, a development for which she commends the Government. She urges the Government to accelerate efforts to pass such legislative provisions, given that such a law would aid detection and prosecution of *criadazgo* and help to challenge cultural attitudes that lead to the exploitation of children. In its efforts, the Government should also focus on the punishment of those who seek to profit from the difficult situations that vulnerable families face, and consider carefully the deeply challenging socioeconomic situation of parents who facilitate the exploitation of their children. The Special Rapporteur believes that subjecting parents to criminal penalties would in many cases not be in the best interests of the child.

42. Besides closing the legal protection gap, the Government should address the social and economic root causes of *criadazgo*. Extreme poverty and a lack of economic alternatives for parents reportedly often influence their decision to allow their children to face potential exploitation. The Government should take steps to further social development assistance, such as by expanding the resources and coverage of the Abrazo and Tekoporã programmes, to protect vulnerable families. Government efforts to address decent work deficits should also include measures that target poor rural areas where families with children at risk of *criadazgo* reside. This would also require providing for access to schooling in areas in the Chaco.

43. During her visit, the Special Rapporteur received reports according to which some people continued to believe that *criadazgo* was a socially and culturally acceptable phenomenon that improved the life chances of children. At the same time, however, there is increasing awareness of the vulnerability to exploitation and slavery that it leads to, and its links to human trafficking. The Special Rapporteur therefore recommends that the Government continue and expand awareness-raising and sensitization campaigns in order to change harmful social and cultural attitudes that contribute to the continuation of *criadazgo*, and raise awareness of children's fundamental rights as laid out in the Convention on the Rights of the Child.

D. Other contemporary forms of slavery and slavery-like practices affecting children, including the worst forms of child labour

44. *Criadazgo* is not the only form of contemporary slavery involving children about which the Special Rapporteur received reports during her mission. Children are apparently

also vulnerable to other situations of slavery and slavery-like practices, including the worst forms of child labour. According to the reports, some children are forced to beg in the streets — which the Special Rapporteur herself witnessed — to earn money for their families. ILO defines forced begging as one of the worst forms of child labour, and is, in the view of the Special Rapporteur, a slavery-like practice. Above and beyond the exploitation that these children face, forced begging can lead to many violations of their rights. The time spent on the streets effectively deprives children of their basic right to education, and can expose them to the risk of violence, abuse and other forms of exploitation, including sexual exploitation. Stakeholders reported that, unlike in the past, when children were forced to beg by criminal syndicates, a phenomenon countered in recent years by successful government initiatives, today it is the family members of children who tend to force them to beg. While welcoming this change, the Special Rapporteur remains concerned about the situation of children exposed to exploitation as a result of the poverty of their families, and at reports that funding for preventative programmes might be cut by the Government. She therefore encourages the Government to address the root causes of begging and to sensitize families and the general public about the rights of children to be free from such forms of exploitation. She recognizes the role that social assistance programmes and the helpline for reporting child exploitation and abuse play, and encourages the Government to expand funding and coverage of such programmes.

45. The Special Rapporteur is also concerned at reports that children are subjected to child labour, including the worst forms of child labour, in a number of sectors in Paraguay despite the prohibition on child labour in national law and the fact that the State is a party to core ILO conventions on child labour. Official data showed that 37 per cent of the population is under 18,[10] and that 22 per cent of them work; 95 per cent of those who work are engaged in the worst forms of child labour.[11] These figures include the more than 46,900 children engaged in domestic servitude. Other sectors using child labour are agriculture (such as in sugar cane harvesting and cotton production) and cattle-raising (see para. 23 above).

46. The Special Rapporteur was informed during her discussions with government representatives and business associations of the many commendable initiatives taken to combat child labour in Paraguay, such as the inspection and auditing of sectors that traditionally relied on child labour, cooperation with other States in the region (such as El Salvador), the adoption of best practices for eliminating child labour, and corporate social responsibility initiatives to promote awareness of children's rights. The Special Rapporteur remains, however, concerned about the possibility of less conspicuous cases of child labour persisting in certain sectors and areas, and also at reports that, while direct employment of children has been reduced, some still accompany their parents to work owing to a lack of access to education or childcare.

47. The Special Rapporteur reminds the Government of Paraguay and other stakeholders, including private sector actors, of their obligations under international standards and the Sustainable Development Goals to take every measure necessary to eliminate all forms of child labour, and urges them to provide assistance in addressing its root causes, including poverty, lack of access to decent work, and inequality. The mandate holder noted the efforts made by the Government to more fully define and criminalize child labour in draft legislation, which should be adopted. Laws of this type would play an effective role in facilitating the detection and prosecution of contemporary forms of slavery involving children and in raising awareness among key stakeholders of their obligations under the conventions on slavery, ILO conventions and international human rights standards with regard to the rights of children at risk of exploitation.

[10] La Infancia Cuenta: Paraguay 2015, Sistema de indicadores en niñez y adolescencia, Coordinadora por los Derechos de la Infancia y la Adolescencia (CDIA), 2015, p. 50.

[11] See Magnitud y características del trabajo infantil y adolescente en el Paraguay (footnote 2), pp. 45–48.

E. Forced and bonded labour

48. During her visit, the Special Rapporteur received reports of many cases of forced and bonded labour in the Chaco, including during her visit to the region. Chaco, a vast, geographically isolated area, covers 60 per cent of all Paraguayan territory. According to the information received, only 3.3 per cent of the population live in the region, as many families were historically displaced as a result of loss of land, or chose to migrate to urban areas to seek greater economic opportunity. The displacement was also caused by the loss of employment and land as a result of large-scale privatization of land, much of which is used for commercial cattle farming. A mainly rural area, Chaco is the home of a number of different indigenous groups.[12]

49. The Special Rapporteur received multiple reports according to which indigenous peoples were vulnerable to exploitation, including practices that she would consider to be forced and bonded labour. The Ministry of Labour also informed the Special Rapporteur that it had received complaints of forced labour from inside the Chaco region. Vulnerability to such exploitation is reportedly rooted in the historical sale of indigenous land to large landowners, agribusiness and forestry companies without the free, prior and informed consent of indigenous peoples. While in some cases this reportedly caused displacement towards urban centres, many indigenous peoples chose to remain in the Chaco and became a source of labour for landowners, both local and foreign. The Special Rapporteur noted with concern reports that the State was largely absent from the Chaco, and that the budget of the National Institute for Indigenous Peoples is very limited. The result is that there is little oversight over business operations, such as by the labour inspectorate, but also that business owners often play a quasi-State role. When the Special Rapporteur visited the Chaco, she noted that businesses often provided power and other infrastructural services. While acknowledging the positive impact that such services can have on the lives of local peoples, she remains concerned that it creates an imbalance in the relationship between indigenous peoples, the State and business enterprises. Such an imbalance, combined with other factors, such as a lack of awareness of indigenous rights, a lack of unionization within the region, the inability to speak Spanish in some cases, the geographical isolation of many labour sites and high levels of illiteracy, can lead to severe vulnerability to exploitation, including forced and bonded labour.

50. While visiting the Chaco, the Special Rapporteur did not have the impression that such vulnerability was leading to many cases of forced and bonded labour in the majority of employers. She received reports of cooperatives and ranches that generally complied with national law, and of recent improvements in the degree of compliance in the region. Experiences often of course differ between different individuals and communities. The Special Rapporteur nonetheless remains concerned at cases of forced and bonded labour in smaller employment sites and in more remote, less accessible ranches, and at labour practices that she views as exploitative. According to information received by the Special Rapporteur, workers in the Chaco reportedly worked long hours without breaks or overtime, and received all or most of their wages in vouchers or credits that can only be spent at shops owned by the employers. Given the geographical remoteness of many labour sites and the fact that the credits can only be used in shops owned by their employers, the shops effectively have a monopoly, and charge inflated rates for basic subsistence items. Interlocutors pointed out how the cost of products from the Chaco, such as beef, can be less expensive in Asunción because of the above-mentioned monopoly, and how in many cases the vouchers were even insufficient to cover the basic needs of workers and their families, in which some employers reportedly give credit, which leaves workers vulnerable to situations akin to bonded labour.

51. Despite the initiatives that different government entities have taken to tackle forced labour, the State should do more to protect indigenous peoples living in the Chaco from exploitation. Cases of forced and bonded labour must be identified and prosecuted, and victims must be given access to justice, and the rehabilitation and reintegration necessary to

[12] See Mike Kaye, Formas contemporáneas de esclavitud en Paraguay, Anti-Slavery International, 2006.

them. Expanding the coverage of the labour inspectorate and ensuring that inspectors are trained to address the specific situation of indigenous peoples in the Chaco would be an important step.

52. The Government of Paraguay should also examine more broadly the situation of workers in the Chaco and the labour practices of employers. The Special Rapporteur is also concerned at the broader pattern of corporate capture of parts of the Chaco, whereby large companies have a monopoly over goods and services, play a key role in political and policy processes and fill the gaps created by the absence of the State, leaving indigenous peoples subject to the labour practices imposed, even when they are highly exploitative. Such practices have deep historical roots in the subjugation of indigenous peoples' rights to land, and the principle of free, prior and informed consent. The Special Rapporteur is particularly concerned at the practice of paying workers in credits, and at the conditions tying the use of credits to shops owned by employers. She therefore urges the Government to review such practices against national and international labour standards, and to ensure more oversight and accountability of businesses in the region. The Special Rapporteur also reminds all businesses operating in Paraguay, including in the Chaco, of their obligations under the Guiding Principles on Business and Human Rights.

53. With regard to forced labour, the Special Rapporteur was encouraged by reports that the Government is considering ratification of the Protocol to the Forced Labour Convention, 1930 (No. 29), and urges the Government to do so.

F. Domestic servitude

54. The Special Rapporteur is concerned about the situation of domestic workers, the majority of whom are women, in Paraguay. Given that the use of domestic workers appears to be common in the country, the shortcomings in the legal and institutional framework could put workers at risk of domestic servitude. The Special Rapporteur indeed received reports of cases of domestic workers in a situation of servitude, involving severe restrictions on their freedom of movement, remuneration that is significantly below the minimum wage, and cases of abuse and violence.

55. With regard to the legal framework, article 10 of law No. 5.407 on domestic work (see para. 10 above), according to reports received by the Special Rapporteur, sets the minimum wage for domestic workers at no less than 60 per cent of the standard minimum wage for non-domestic workers. Although the law is an improvement on previous legal provisions (which set the minimum wage at 40 per cent of that earned by non-domestic work) and includes provisions for facilitating access to social security, the payment of a wage that is lower than the level deemed acceptable for the general category of workers increases the vulnerability of domestic workers to contemporary forms of slavery.

56. The Special Rapporteur is concerned that law No. 5.407 does not specify that the wage of domestic workers must be paid in cash only, providing for payment to be made with a combination of cash and in kind, such as food and accommodation (art. 12) (in accordance with the provisions of article 231 of the Labour Code, which allows up to 30 per cent of wages to be paid in kind). In the view of the Special Rapporteur, the entire amount of the minimum wage should be paid in cash. Payment in kind is not an appropriate form of payment for any kind of work, given its potential negative impact on a worker's right to change employment. The Special Rapporteur therefore recommends that the Government amend law No. 5.407 and the Labour Code to ensure that 100 per cent of the minimum wage is paid to domestic workers in cash.

57. The Special Rapporteur was also informed of weaknesses in the institutional framework; the labour inspectorate indeed does not have the capacity or the resources to effectively fulfil its mandate. While recognizing the challenges involved in the regulation of private households, the Special Rapporteur encourages the Government to consider ways to increase oversight and accountability of those employing domestic workers. She notes the availability of a complaints system and commends the Government of Paraguay on it, but also encourages it to take into consideration the feasibility of other regulatory options, particularly in the light of the challenges that domestic workers may face when lodging a

complaint, such as restrictions of their freedom of movement, fear of reprisal and/or a lack of economic alternatives to their current situation, which may act as a deterrent.

G. Challenges to access to justice

58. Access to justice and remedy is a fundamental element of slavery eradication efforts (see A/HRC/36/43). It not only supports law enforcement but also the rehabilitation and reintegration of victims, and provides disincentives for the perpetration of related human rights violations.

59. During her visit to Paraguay, the Special Rapporteur received information about a number of barriers to access to justice for victims of contemporary forms of slavery: the absence of a clear legal definition of or criminal sanctions for a number of contemporary forms of slavery; the limited geographical reach of law enforcement and judicial entities in isolated and rural areas; the reluctance of some law enforcement agencies to investigate crimes; fear of retaliation or job loss if abuses are reported; lack of awareness in victims of their rights; and the often hidden nature of violations. She also received information about a lack of rehabilitation and reintegration support for victims, including child victims. Although exact figures were not available due to issues with the legal definition of practices falling under the category of contemporary forms of slavery, the Special Rapporteur was informed that the prosecution rate was very low.

60. The Special Rapporteur encourages the Government of Paraguay to take concrete steps to remove the above-mentioned obstacles to access to justice and to uphold fully its obligations under international law.

V. Conclusions and recommendations

A. Conclusions

61. **The Government of Paraguay is taking concrete steps to tackle contemporary forms of slavery and seems to have the political will to end exploitation in the country. The Special Rapporteur took note of a number of positive developments, including the development of a comprehensive institutional and policy framework, changes in social attitudes towards exploitation, including exploitation involving children, improved compliance with labour standards, a drop in exploitation, particularly child labour, and efforts to implement the Sustainable Development Goals, including target 8.7.**

62. **The Special Rapporteur commends the Government for the progress made, but remains concerned at gaps in protection, particularly with regard to groups in a situation of vulnerability, such as indigenous peoples, children from poor or rural households, and female domestic workers. She is also concerned that the prevailing economic and development strategies of seeking foreign investment potentially at the expense of labour market protections could create conditions that lead to a shortage of decent work, inequality, and severe exploitation, including contemporary forms of slavery.**

63. **The Special Rapporteur strongly encourages the Government of Paraguay to take steps to ensure that both the systemic factors that enable exploitation are addressed and that protections against all forms of contemporary forms are extended to all in Paraguay. She urges the Government to pay particular attention to the vulnerability of children, women and minority groups, including indigenous peoples living in the Chaco, and to close any protection gaps in relation to their human and labour rights. The Special Rapporteur remains at the disposal of the Government to provide any support in the full and effective implementation of her recommendations, and encourages the international community to provide its support.**

B. Recommendations

1. Government of Paraguay

(a) Legal and institutional framework

64. **The Special Rapporteur recommends that the Government of Paraguay:**

(i) Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

(ii) Ratify the Protocol to Forced Labour Convention, 1930 (No. 29);

(iii) Ratify the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;

(iv) Ensure that all contemporary forms of slavery, including all types of forced or bonded labour, are criminalized as standalone offences in national law, in accordance with the State's obligations under international law;

(v) Conduct an analysis of the labour market to identify the prevalence of forced labour and bonded labour, and of child labour and its worst forms in order to ensure that current institutional provisions are suited to the needs of victims and provide adequate protection to those vulnerable to contemporary forms of slavery;

(vi) Strengthen the mandate and capacity of the national human rights institution.

(b) Cross-cutting issues

65. **The Special Rapporteur recommends that the Government of Paraguay:**

(i) Commission a survey into the prevalence of all contemporary forms of slavery, including an analysis of the frequency of different types of exploitation, the sectors in which slavery-like practices commonly develop, the groups most affected and the risk factors that make individuals vulnerable;

(ii) Ensure that the findings of the above-mentioned research and analysis are disseminated to all stakeholders, including government officials, communities and civil society stakeholders;

(iii) Develop sensitization and awareness-raising activities for government officials, communities and civil society stakeholders about obligations under the conventions on slavery and other relevant international legal standards.

(c) Protecting children from contemporary forms of slavery, including *criadazgo*

66. **The Special Rapporteur recommends that the Government of Paraguay:**

(i) Accelerate efforts to ensure that *criadazgo* is fully defined within the national legal framework, with penalties for its practice;

(ii) Ensure that all efforts to criminalize *criadazgo* incorporate fully the principle of the best interests of the child, and avoid any unnecessary criminalization of parents; penalties established within such legal provisions should focus on those who seek to profit from the poverty of vulnerable families and children;

(iii) Besides closing the legal protection gap relating to *criadazgo*, invest resources in understanding and addressing its socioeconomic root causes;

(iv) Conduct sensitization and awareness-raising activities in order to continue progress in changing social and cultural attitudes that enable the continuation of contemporary forms of slavery, including *criadazgo*, the worst forms of child labour, forced begging, forced labour, bonded labour and domestic servitude;

(v) **Increase the resources available to and the reach of social development programmes, such as Abrazo and Tekoporã, which target the root causes of contemporary forms of slavery;**

(vi) **Ensure that helpline services for children and/or concerned individuals are available in all geographical areas of Paraguay;**

(vii) **Implement social and human rights programmes providing care for and support to child victims of contemporary forms of slavery, including children in a situation of *criadazgo*;**

(viii) **Pay special attention to the coverage of programmes designed to prevent and combat child labour, ensuring that initiatives that have been successful in reducing child labour are fully extended to rural areas and the most vulnerable families;**

(ix) **Ensure adequate resources for child protection services and the implementation of child-friendly budgeting in all government entities;**

(x) **Continue efforts made by the National Commission for the Elimination of Child Labour (CONAETI) to protect children and young persons and to reduce their vulnerability to contemporary forms of slavery, including children working in a situation of *criadazgo*, forced begging, or other slavery and slavery-like practices reported in different economic sectors, such as agriculture;**

(xi) **Ensure that the Code on Children and Adolescents is effectively applied to protect the best interests of children and adolescents, and to protect them in particular from the risks of entrapment in contemporary forms of slavery, such as *criadazgo* and forced begging.**

(d) Tackling decent work deficits

67. **The Special Rapporteur recommends that the Government of Paraguay:**

(i) **Place full and productive employment and decent work at the centre of all growth and development strategies;**

(ii) **Give special consideration to identifying ways to make decent work opportunities available to women and young people;**

(iii) **Consider ways to increase the minimum wage in Paraguay to ensure the availability of more decent work opportunities;**

(iv) **Consider ways to formalize the economy further and thereby reduce the vulnerability of individuals working in the informal sector.**

(e) Domestic servitude

68. **The Special Rapporteur recommends that the Government of Paraguay:**

(i) **Ensure that domestic workers are paid 100 per cent of the standard minimum wage, and that employers are prohibited from paying them in kind, such as with accommodation or food;**

(ii) **Consider ways to ensure oversight of employers using domestic workers to ensure that relevant protections are consistently applied;**

(iii) **Take steps to ensure the identification and prosecution of all cases of violence and abuse against domestic workers.**

(f) Forced and bonded labour in the Chaco

69. **The Special Rapporteur recommends that the Government of Paraguay:**

(i) **Prohibit the payment of workers in kind or with vouchers, and ensure that all workers are paid at least the standard minimum wage in cash;**

(ii) **Develop community-based programmes in the Chaco to sensitize communities vulnerable to forced labour about their rights under Paraguayan law;**

(iii) **Increase the capacity and geographical reach of the labour inspectorate, including by ensuring oversight of domestic servitude and labour sites, including all ranches, in the Chaco;**

(iv) **Examine the overall relationship between the State, indigenous peoples and business enterprises in the Chaco, ensuring that the Government takes full responsibility for the promotion and protection of indigenous peoples' rights and takes appropriate action against exploitation, monopolies and corporate capture.**

(g) Access to justice

70. **The Special Rapporteur recommends that the Government of Paraguay:**

(i) **Take steps to ensure that all contemporary forms of slavery are clearly defined in national law and are liable to criminal sanctions that are effectively enforced;**

(ii) **Ensure that law enforcement officials are aware of their responsibility to undertake outreach work targeting persons subjected to contemporary forms of slavery, taking into consideration the fact that victims may be unable to seek assistance, might not trust the authorities or may fear the consequences of making a complaint;**

(iii) **Ensure that all authorities involved in the realization of the rights of victims of contemporary forms of slavery, including border management authorities, the police, public prosecutors, the labour inspectorate and the judiciary, are adequately trained in the identification of victims;**

(iv) **Provide labour inspectors with a mandate and the tools necessary to them to identify victims of contemporary forms of slavery proactively, and to facilitate their rescue and access to justice, including in the Chaco;**

(v) **Train police, prosecutors and judicial authorities in the handling of victims of contemporary forms of slavery, in particular on how to create a safe, supportive and child- and gender-sensitive environment for victims to ensure that they have access to justice;**

(vi) **Organize training and sensitization activities with at-risk communities, groups and individuals in order to ensure that they are aware of their human and labour rights and of channels that can be used to report abuse, violence and exploitation;**

(vii) **Ensure adequate services to ensure the rehabilitation and reintegration of victims of contemporary forms of slavery, including child victims, following their release from situations of extreme exploitation.**

2. Other stakeholders

71. **The United Nations country team should ensure that implementation of target 8.7 of the Sustainable Development Goals, on taking immediate and effective measures to eradicate forced labour, ending modern slavery and human trafficking and securing the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 ending child labour in all its forms, is integrated into efforts to implement the Goals as a core part of the 2030 Agenda for Sustainable Development.**

72. **Private sector actors should ensure compliance with human rights in all business activities, in accordance with the Guiding Principles on Business and Human Rights.**

73. Private sector actors should respect rights at work, including by collaborating with ILO decent work creation projects and by supporting opportunities for increasing the formalization of work.

74. The international community should continue and expand the technical and financial resources provided to the Government of Paraguay in order to support its efforts to strengthen the State's response to exploitation, lack of decent work, inequality and social exclusion.

75. Non-governmental organizations and other civil society actors should continue and expand upon programmes that tackle contemporary forms of slavery, its causes and consequences.